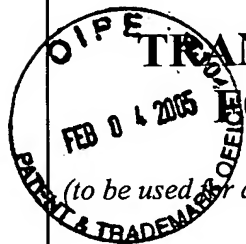


JFW



# TRANSMITTAL FORM FOR PATENTS

(to be used for all correspondence after initial filing)

Application Number	10/602,864
Filing Date	June 25, 2003
First Inventor	Charles Moody
Group Art Unit	3676
Examiner Name	Mah, Chuck
Attorney Docket	361.2868

## ENCLOSURES (check all that apply)

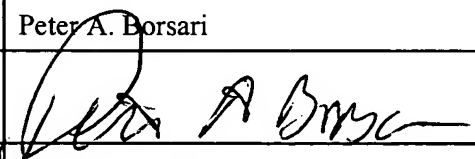
- ☒ Fee Transmittal Form
  - ☒ Fee Attached
- ☒ Amendment/Reply
  - ☐ After Final
  - ☐ Affidavits/declarations(s)
- ☒ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Documents(s)
- ☐ Response to Missing Parts/Incomplete Application
  - ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

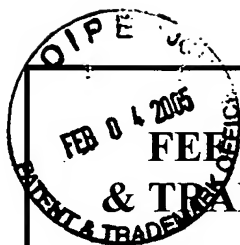
- ☐ Assignment Papers  
(for an application)
- ☐ Drawings
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☒ Power of Attorney, Revocation, Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD's \_\_\_\_\_

- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group  
(Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☐ Other Enclosure(s)  
(please identify below)

Remarks

## SIGNATURE OF APPLICANT, AGENT OR ATTORNEY

Firm or Individual Name	Peter A. Borsari
Signature	
Date	February 3, 2005



# FEE CALCULATION & TRANSMITTAL SHEET

TOTAL AMOUNT OF PAYMENT: \$225.00

Application Number	10/602,864
Filing Date	June 25, 2003
First Inventor	Charles Moody
Group Art Unit	3676
Examiner Name	Mah, Chuck
Attorney Docket	361.2868

## METHOD OF PAYMENT

- ☒ Payment Enclosed: ☒ Check # 5173
- ☒ The Commissioner is hereby authorized to charge any additional fees required under 37 CFR 1.16 and 1.17 and credit any overpayments to:

Deposit Account Number: 54-1014  
Deposit Account Name: Borsari & Associates

## FEE CALCULATION

### 1. BASIC FILING FEE

FEE DESCRIPTION	FEE PAID
Utility filing fee	\$150.00
Design filing fee	
Plant filing fee	
Reissue filing fee	
Provisional filing fee	
<b>SUBTOTAL (1)</b>	<b>\$000.00</b>

### 2. EXTRA CLAIM FEES

	Extra Claims	Fee	Fee Paid
Total Claims	<u>xx</u> - 20 = <u>xx</u>	x \$ 9.00 =	\$ 00.00
Independent Claims	<u>xx</u> - 03 = <u>xx</u>	x \$40.00 =	\$ 00.00
<b>SUBTOTAL (2)</b>			<b>\$ 00.00</b>

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Fee Description	Fee Paid
<input type="checkbox"/> Surcharge - late filing fee or oath	_____
<input type="checkbox"/> Surcharge - late provisional filing fee or cover sheet	_____
<input type="checkbox"/> Non-English specification	_____
<input type="checkbox"/> For filing a request for <i>ex parte</i> reexamination	_____
<input type="checkbox"/> Requesting publication of SIR prior to Examiner action	_____
<input type="checkbox"/> Extension for reply within first month	_____
<input checked="" type="checkbox"/> Extension for reply within second month	<u>\$225.00</u>
<input type="checkbox"/> Extension for reply within third month	_____
<input type="checkbox"/> Extension for reply within fourth month	_____
<input type="checkbox"/> Notice of Appeal	_____
<input type="checkbox"/> Filing a brief in support of an appeal	_____
<input type="checkbox"/> Request for oral hearing	_____
<input type="checkbox"/> Petition to Revive - unavoidable	_____
<input type="checkbox"/> Petition to Revive - unintentional	_____
<input type="checkbox"/> Petitions to Commissioner	_____
<input type="checkbox"/> Processing fee under 37 CFR 1.17q	_____
<input type="checkbox"/> Submission of Information Disclosure Stmt	_____
<input type="checkbox"/> Assignment Recordation Fee	_____
<input type="checkbox"/> Request for Continued Examination	_____
<b>SUBTOTAL (3)</b>	<b>\$225.00</b>

SUBMITTED BY:

SIGNATURE:

Peter A. Borsari, Registration Number: 32,114

Date: February 3, 2005

02/08/2005 M6EBREM1 00000151 10602864

01 FC:2252

225.00 OP



## In the United States Patent & Trademark Office

In re application of: Charles Moody

Serial Number: 10/602,864

Filed: June 25, 2003

) Attorney Docket: 361.2868

)

) Examiner: Mah, Chuck

)

) Group Art Unit: 3676

For: Sanitary Door Opener

### Amendment and Response

The Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Dear Sir:

In response to the outstanding office action dated September 8, 2004, the following changes in the claims and remarks are provided:

### Remarks

Claims 1 to 20 are pending.

Claims 1, 12 and 17 have been amended.

Claims 1, 12 and 17 have been amended such that the term "said door" has been replaced with "a door" and that elements of a door are denoted with the word "a" rather than the word "said". No new matter has been introduced in the amendment of these claims.

The Examiner has rejected claims 1 to 20 under 35 U.S.C. §112, second paragraph, stating that the scope of the claim is confusing in that "said door" is recited in independent claims 1, 12 and 17, while the claimed subject matter relates to a sanitary door opener and not to an opener-door combination. Claims 1, 12 and 17 have been amended to remove the language of "said door" and replace it with the language "a door". It is believed that the claims as amended overcome the Examiner's rejection. Accordingly, withdrawal of the rejection of claims 1 to 20 under 35 U.S.C. §112, second paragraph is respectfully requested.

The Examiner has rejected claims 1 and 11 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 4,817,239 to Campbell et al. and has rejected claims 1, 4 and 11 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 2,447,389 to Borchers.

It is noted that the Examiner does not provide any reasoning for this rejection. Applicant